

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re

CUSTOMS AND TAX ADMINISTRATION OF
THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND
SCHEME LITIGATION

This document relates to all cases.

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18-MD-2865 (LAK)

[PROPOSED] ORDER GRANTING SKAT'S CONSENT MOTION

Upon the Consent Motion of Plaintiff Skatteforvaltningen ("SKAT"), dated March 4, 2020, for an order requiring it to produce to the defendants in these actions (collectively, "Defendants") documents (the "Elysium documents") SKAT received in its action pending before the Dubai International Financial Centre Courts against Elysium Global (Dubai) Limited and Elysium Properties Limited:

WHEREAS, the Defendants in these actions have served document requests on SKAT seeking production of the Elysium documents in SKAT's possession, custody or control;

WHEREAS, the Defendants' requests are relevant to the parties' claims and defenses in these actions;

WHEREAS, it is necessary for SKAT to produce the Elysium documents to the Defendants in order to comply with its obligations in these actions under Rules 26 and 34 of the Federal Rules of Civil Procedure;

WHEREAS, in order to ensure appropriate safeguards concerning its production of the Elysium documents to the Defendants, SKAT will designate the Elysium documents as Confidential¹ under the Protective Order; and

WHEREAS, Defendants acknowledge that, consistent with the limitation on the use of Discovery Material in paragraph [21] of the Protective Order and the principle of data minimization set forth in Article 5(c)(1) of the European Union's General Data Protection Regulation, the Defendants will use the Elysium documents solely for the purpose of these actions or any Foreign Actions.

IT IS HEREBY ORDERED THAT:

1. SKAT shall produce to Defendants the Elysium Documents in its possession, custody, or control, without withholding or applying redactions to any such documents.
2. SKAT shall designate the Elysium Documents as Confidential under the Protective Order and they shall constitute Confidential Material as defined therein.
3. Use of the Elysium Documents shall be subject to all of the terms of the Protective Order, including the provisions of paragraph [21] of that Order restricting the use of Discovery Material to litigating the Actions and Foreign Actions, and prohibiting Discovery Material from being used for any business, commercial, or other purposes.

SO ORDERED

LEWIS A. KAPLAN, USDJ

3/5/2020

1. Capitalized terms not defined herein shall have the meanings ascribed to them in the Amended Stipulated Protective Order Governing Confidentiality of Discovery Materials. No. 18-md-2865, ECF No. ___ (the "Protective Order").